

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>JOAN P. STROUT, ET AL.,</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 97-58-B</b>
	)	
<b>CURRIER LEASING CORPORATION,</b>	)	
<b>ET AL.,</b>	)	
	)	
<b>Defendants</b>	)	

***ORDER GRANTING PLAINTIFFS' MOTION TO AMEND COMPLAINT***

The Court has before it the plaintiff's' motion pursuant to Federal Rules of Civil Procedure 15(a), (c), to amend the original complaint in this matter. The plaintiffs seek to amend their initial complaint, which alleged an amount in controversy in the matter to be in excess of \$50,000, to allege damages in excess of \$75,000, as required by 28 U.S.C. § 1332(a) (Supp. 1997) for this Court to have jurisdiction over the subject matter. The defendants oppose the motion, contending that the plaintiffs have failed to show good cause for the Court to grant the motion. The Court grants the motion to amend the complaint.

The Court finds that leave to amend is proper in this matter. Federal Rule of Civil Procedure 15(a) provides that "leave [to amend] shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). In determining whether a party should be given leave to amend, a court should consider: (1) the hardship to the moving party if leave to amend is denied; (2) the reasons for the moving party's failure to include the proposed material in the original pleading; and (3) the injustice resulting to the party opposing the motion should it be granted. *Thibodeau v. Fujisawa USA, Inc.*, 151 F.R.D.

502, 503 (D. Me. 1993) (citing 6 Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure*, § 1487 (2d ed. 1990)).

Considering the first of the above factors, the plaintiffs indeed would encounter a great hardship if the Court were to deny the motion; in view of the recent amendment to the former amount in controversy requirement, the Court would be without jurisdiction if the complaint only alleged damages in excess of \$50,000. The Court also is satisfied that, considering the underlying facts of the case, the defendants are well aware that the amount in controversy exceeds \$50,000, exclusive of interest and costs. Finally, although the defendants now will be required to defend the action in court, the Court sees no prejudice or injustice resulting to the defendants as a result of the Court's ruling. Accordingly, the plaintiffs' motion to amend their complaint to allege an amount in controversy in excess of \$75,000, exclusive of interest and costs, hereby is **GRANTED**.

***SO ORDERED.***

---

Eugene W. Beaulieu  
U.S. Magistrate Judge

Dated this 21st day of July, 1997.